

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

MELINDA SERIN, *et al.*,

Plaintiffs,

vs.

NORTHERN LEASING SYSTEMS, INC.,  
*et al.*,

Defendants.

---

CASE NO. 7:06-CV-1625

OPINION & ORDER  
[Resolving Doc. Nos. 82, 84, 85.]

JAMES S. GWIN,<sup>1/</sup> UNITED STATES DISTRICT JUDGE:

Plaintiffs Melinda Serin, Judson Russ, Long Sui Lim, Gordon Redner, Peri Kettler, and Thomas J. Smith have filed a motion to compel non-party Joseph I. Sussman to comply with a subpoena and to produce requested documents. [Doc. Nos. 82, 85.] Defendants Northern Leasing Systems, Inc., Jay Cohen, Rich Hahn, and Sara Krieger oppose the Plaintiffs' motion, arguing that the requested documents are protected by the attorney-client privilege. [Doc. 84.] The Plaintiffs argue that the Defendants do not have standing to object to the production, that the Defendants' objections are untimely, and that the documents are discoverable under the crime-fraud exception to the attorney-client privilege. [Doc. 85.]

It is unclear from the evidence before the Court whether the subject documents are privileged and whether they might fall under the crime-fraud exception. Accordingly, the Court **ORDERS** that

---


<sup>1/</sup>The Honorable James S. Gwin of the United States District Court for the Northern District of Ohio, sitting by designation.

Case No. 7:06-cv-1625  
Gwin, J.

the Defendants produce all of the claimed privileged documents to the Court for in camera inspection by **Monday, August 9, 2010**. After the Court has conducted an in camera review, it will rule on whether the documents should be produced to the Plaintiffs.

IT IS SO ORDERED

Dated: August 3, 2010

A handwritten signature in black ink, appearing to read "J. S. Gwin", written over a horizontal line.

s/  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE